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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,112	03/11/2004	Stephen Rawle	00216-624001 / Case 8125	5924
26161 7590 09/12/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	-
			MAIL DATE	DELIVERY MODE
			09/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,112

Applicant(s)

RAWLE, STEPHEN

Examiner

Hwei-Siu C. Payer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

In view of the appeal brief filed on June 13, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-8 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilder et al. (U.S. Patent No. 6,212,777) in view of Gooding (U.S. Patent No. 4,200,976).

Gilder et al. shows a shaving blade unit comprising a housing (1); a plurality of parallel blades (11,12,13) supported by the housing (1), the blades (11,12,13) having an average interblade span (S2,S3) between 1.0 – 2.0 mm; the blades (11,12,13) being each mounted on respective support members (see Figs.1 and 2, unnumbered) that are each movably mounted (see column 1, lines 45-49) on the housing (1), each of the support members having a blade platform portion for supporting the respective blade (11,12,13) and a depending base portion angled relative to the blade platform portion, and the depending base portions being arranged generally perpendicular to an imaginary shaving surface (P) approximately intersecting the blade cutting edges, the blades (11,12,13) having a blade length extending rearward from the cutting edge, the blade exposure of blades between the first blade (11) and the last blade (13) being approximately zero degree (see Fig.1), or the first blade (11) having a negative exposure (i.e. EXP -0.04, see Fig.2) and the last blade (13) having a positive exposure (i.e. EXP +0.06, see Fig.2), and the blades having a blade tangent angle between 19-28 degrees (see column 2, lines 45-46) substantially as claimed.

The mere differences between Gilder et al. and the claimed invention reside in the number of the blades and the blade length.

Specifically, Gilder et al. shows “three” rather than “five” blades as claimed and it is silent about the length of the blades.

However, Gilder et al. does mention a blade unit having many blades can produce a closer shave than a similar blade unit with only one or two blades (see column 1, lines 19-21).

In view of teaching, it would have been obvious to one skilled in the art at the time this invention was made to modify Gilder et al. by providing the three-blade blade unit with two additional blades for a closer shave as desired.

Regarding the blade length, Gooding teaches it is desirable to use blades of narrower width (in the range of 0.8 mm to 2.0 mm, see column 2, lines 9-14) in a shaving unit to facilitate passing of shaving debris through the shaving unit and to accommodate a greater number of blades for a given width of the shaving unit.

Therefore, it would have been obvious to one skilled in the art to further modify Gilder et al. by having the blade length in the range of less than 1 mm depending upon the number of blades to be accommodated in a given width of the shaving unit.

Regarding claims 18-20, the claimed thickness range for the blade support members is not patentably distinct over Gilder et al. because it is well known in the razor art, and it is common knowledge that the thickness of the blade support members affects the rinsability of the blade unit. That is, for a given width of a blade unit, the thicker the blade support members the less rinsing efficiency. This is due to the thicker blade support members inevitably occupying more rising space than the thinner blade support members. Thus, it would have been obvious to a person of ordinary skill in the art to try a desirable thickness range such as that of claimed for the blade support

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members of Gilder et al. based upon a given size of the blade unit and the number of blades accommodated therein and yet not to jeopardize the rising efficiency thereof. A person of ordinary skill has good reason to pursue the known options with in his or her technical grasp to select a desirable thickness range for the blade support members of Gilder et al.

Prior art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coffin et al. is cited to show a blade assembly (20a,20b) can have any practical number of blades such as one, two, three, four or five blades (see paragraph [0017]).

Aviza et al. shows a blade unit having five blades (14).

Remarks

Applicant's arguments with respect to claims 1-8 and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-


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4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer
August 31, 2007

/Hwei-Siu C. Payer/
Primary Examiner, Art Unit 3724


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER